IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 19857 of 2004

Between:

C. Nirmalamma, W/o. Late Sri C.R. Surendra Reddy,
R/o.H.No. 4/50, Therucherry Street, Voyalpad, Chittoor District.

..... PETITIONER

AND

The Secretary, Regional Transport Authority,
Chittoor, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction more particularly writ in the nature of Mandamus declaring the action of the respondents in demanding the tax @ Rs.948/- p.s.p.q. in stead of Rs. 660/- without passing any final orders basing on the explanation submitted by the Petitioner in pursuance to the Show Cause notice dated 17-9-2004 as illegal, improper unjust and arbitrary and contrary to the Judgments of this Hon'ble High Court and further declare that the Petitioner is liable to pay the differential tax of Rs.8,400/- after deducting the tax already paid for quarter year 30-9-2004 by treating the permit as 'town service'.

Counsel for the Petitioner:MR.K.UMAPATHY

Counsel for the Respondent : GP FOR TRANSPORTS

The Court at the stage of admission made the following :

ORDER (per Sri BN,J)

The grievance of the petitioner is that a show cause was given to him and he has already filed his reply, but no final order is passed.

In spite of the fact that the final order has not been passed, he is being forced to pay the amounts, which were claimed in the show cause notice. However, we have seen from the reply to the show cause notice that, according to the petitioner, the maximum amount he might have to pay is Rs.8,400/-.

In these circumstances, we dispose of the writ petition directing the petitioner to deposit an amount of Rs.8,400/- (rupees eight thousand four hundred only), within two weeks from today, which will be subject to out come of the enquiry. The depositing of amount will not prejudice his rights nor will prejudice the rights of the respondent, who may pass the order and proceed in accordance with the order in the matter and shall not make any demand till the final order is passed.

The writ petition is accordingly disposed of. No order as to costs.

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BILAL NAZKI, J

Dated: 01.11.2004

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S.ANANDA REDDY, J

Note:

Operative portion by wire at party's cost.

(B/O) GJ

To

1. The Secretary, Regional Transport Authority, Chittoor, Chittoor District.

2. Two C.Cs. to the Government Pleader for Transports, High Court of A.P., Hyderabad. (OUT)

3. Two C.D. copies.